

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MAUREEN TOOMEY,)
Plaintiff,)
vs.) No. 07 CV 7173
SANOFI-AVENTIS U.S. INC. f/k/a AVENTIS) Judge Blanche M. Manning
PHARMACEUTICALS, INC., f/k/a HOECHST) Magistrate Judge Martin C. Ashman
MARION ROUSSEL, INC.;)
WALGREEN CO.;)
BOND DRUG COMPANY OF ILLINOIS d/b/a)
WALGREEN CO., a Corporation)
Defendants.)

**MOTION OF DEFENDANT BOND DRUG COMPANY OF ILLINOIS, LLC d/b/a
WALGREENS (INCORRECTLY SUED AS WALGREEN CO. and BOND DRUG
COMPANY OF ILLINOIS d/b/a WALGREEN CO.) FOR LEAVE TO FILE ITS
ANSWER and AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT,
INSTANTER**

NOW COMES Defendant BOND DRUG COMPANY OF ILLINOIS, L.L.C.
d/b/a WALGREENS, incorrectly sued as WALGREEN CO. and BOND DRUG
COMPANY OF ILLINOIS d/b/a WALGREEN CO., by and through its attorneys, John
A. Childers and Michael C. Holy, for its Motion for Leave to File Its Answer and
Affirmative Defenses to Plaintiff's Complaint, *instanter*, states as follows:

1. That Plaintiff filed her Complaint in Illinois State Court, Circuit Court of Cook County – Law Division on August 17, 2007.
2. That this Defendant timely filed its Appearance and Jury Demand in the State Court action on September 26, 2007.

3. That this Defendant timely filed its Combined Motion to Dismiss Plaintiff's State Court action on October 30, 2007 pursuant to Court order entered October 2, 2007.

4. That prior to briefing on this Defendant's Combined Motion to Dismiss Plaintiff's State Court action, Sanofi-Aventis filed a notice of removal to federal court on December 21, 2007.

5. That this action now bears docket number 07 C 7173 and is assigned to this Honorable Court. Plaintiff has not filed any amendment to her State Court Complaint under 07 C 7173.

6. That on January 25, 2008, Plaintiff filed a Motion to Remand back to Illinois State Court.

7. After briefing Plaintiff's motion, this Honorable Court denied Plaintiff's Motion to Remand on July 31, 2008.

8. This Defendant hereby requests leave of Court to file its Answer and Affirmative Defenses to Plaintiff's Complaint, *instanter*, and prays that all defaults, technical or otherwise, be vacated, set aside and held for naught.

9. This Defendant has attached as Exhibit "1" a copy of its proposed Answer and Affirmative Defenses to Plaintiff's Complaint in support of the instant motion.

WHEREFORE, Defendant BOND DRUG COMPANY OF ILLINOIS, L.L.C. d/b/a WALGREENS, incorrectly sued as WALGREEN CO. and BOND DRUG COMPANY OF ILLINOIS d/b/a WALGREEN CO. respectfully moves this Court for leave to file its Answer and Affirmative Defenses to Plaintiff's Complaint, *instanter*, to

vacate any and all defaults, technical or otherwise, heretofore entered against this Defendant, and for any such other and further relief as this Court deems just and proper.

Respectfully submitted this 8th day of September 2008,

/s/ John A. Childers

John A. Childers

Attorney for defendant, Bond Drug Company of Illinois, LLC, d/b/a Walgreens, incorrectly sued as Walgreen Co. and Bond Drug Company of Illinois d/b/a Walgreen Co.

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File: 3059-07077 JAC/MCH/AED

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of September, 2008 I caused to be served true and correct copies of this by causing copies of the same to be served to the following by operation of the CM/ECF System of the U.S. District Court for the Northern District of Illinois:

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/s/ John A. Childers
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